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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,438	05/09/2001	Roni Even	ACC16CIP (06544.TBA)	4993
29855	7590	04/27/2005	EXAMINER	
WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI, P.C. 20333 SH 249 SUITE 600 HOUSTON, TX 77070			BENGZON, GREG C	
			ART UNIT	PAPER NUMBER
			2144	
DATE MAILED: 04/27/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/852,438

Applicant(s)

EVEN, RONI

Examiner

Greg Bengzon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This application has been examined. Claims 1-19 are pending. Claims 1-2 have been amended. Claims 3-19 have been submitted as new claims.

Priority

This application claims benefit of US Patent Application Number 09/708898 (11/08/2000) and US Provisional Application 60/164298 (11/08/1999).

The effective filing date for the subject matter defined in the pending claims, as described in the parent and provisional applications, is 11/08/1999. Claims pertaining to new subject matter, as introduced in this application, have an effective filing date of 05/09/2001.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krishnaswamy et al. (US Patent Number 5867494) hereinafter referred to as

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Krishnaswamy, in view of Schaffer et al. (US Patent Number 6738343) hereinafter referred to as Schaffer .

With respect to Claim 1, Krishnaswamy disclosed (Currently Amended) a system for controlling multimedia multipoint communication, (Figure 19C-19G, Column 1 Lines 1-40, Column 9 Lines 40-50) comprising: a plurality of multimedia terminals supporting different multimedia conferencing protocols; a multipoint controller in communication with said plurality of multimedia terminals for call signaling and call control information; (Column 131 Lines 20-50) and atleast one multipoint processor unit in communication with said plurality of multimedia terminals for media information and in communication with said multipoint controller over ITU protocols for interfacing the call signaling and the call control. information between said multipoint controller and the terminals, wherein the multipoint controller is used to establish and control multipoint mixing of media. (Column 132 Lines 1-40)

With respect to Claim 2, Krishnaswamy disclosed (Currently Amended) the system of claim 1, wherein the multipoint processor unit is in communication with at least one non-H.323 terminal that is not supporting H.323 protocol, (Column 134 Lines 30-65) and wherein the multipoint processor unit is capable of demultiplexing input from said non-H.323 terminal into call signaling and call control information and into media

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information; and transferring the call signaling and the call control information to the multipoint controller using ITU protocols. (Column 131 Lines 20-40)

With respect to Claim 3, Krishnaswamy disclosed (New) The system of claim 2, wherein the multipoint processor unit is capable of receiving the call signaling and call control information from the multipoint controller directed to the non-H.323 terminal; multiplexing the call signaling and call control information; and transferring the multiplexed information to the non-H.323 terminal. (Column 135 Lines 1-40)

With respect to Claim 4, Krishnaswamy disclosed (New) The system of claim 1, wherein the at least one multipoint processor unit is in communication with the plurality of multimedia terminals for call signaling and call control information. (Column 131 Lines 20-50)

With respect to Claim 5, Krishnaswamy disclosed (New) the system of claim 1, wherein the multipoint controller includes an H.245 module for receiving and transmitting information from and to the multipoint processor unit. (Column 131 Lines 20-50)

With respect to Claim 6, Krishnaswamy disclosed (New) the system of claim 5, wherein the multipoint controller includes a management module for managing

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information between the H.245 module and at least one of an H.323 stack, an SIP stack, an SS7 module, or a conference management module. (Column 132 Lines 15-40)

With respect to Claim 7, Krishnaswamy disclosed (New) the system of claim 1, wherein the multipoint processor unit includes an H.245 module for receiving and transmitting information from and to the multipoint controller. (Column 131 Lines 20-40, Column 135 Lines 1-40)

With respect to Claim 8, Krishnaswamy disclosed (New) the system of claim 7, wherein the multipoint processor unit includes a management module for managing information between the H.245 module and at least one of a switch packet network interface, a switched circuit network interface, an active context, or a bank of available terminations. (Column 132 Lines 15-40)

With respect to Claim 9, Krishnaswamy disclosed (New) A system for controlling multimedia multipoint communication between a plurality of multimedia terminals supporting different multimedia conferencing protocols, at least one of the terminals being a non-H.323 terminal not supporting H.323 protocol, the communication including call signaling, call control, and media information, the system comprising: (Figure 19C thru 19G, Column Lines 1-40, Column 9 Lines 40-50) a multipoint controller handling

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the call signaling and call control information for the terminals; (Column 131 Lines 20-50) and a multipoint processor handling the media information for the terminals, the processor in communication with the controller over an ITU protocol and in communication with the non-H.323 terminal, the processor interfacing the call signaling and call control information between the controller and the non-H.323 terminal to establish and control multipoint mixing of media. (Column 132 Lines 1-40)

With respect to Claim 10, Krishnaswamy disclosed (New) The system of claim 9, wherein the processor receives input from the non-H.323 terminal, demultiplexes the input into call signaling, call control, and media information, and transfers the call signaling and call control information to the controller over an ITU protocol. (Column 131 Lines 20-40)

With respect to Claim 11, Krishnaswamy disclosed (New) The system of claim 9, wherein the processor receives call signaling and call control information from the controller directed to the non-H.323 terminal, multiplexes the received information, and transfers the multiplexed information to the non-H.323 terminal. (Column 135 Lines 1-40)

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With respect to Claim 12, Krishnaswamy disclosed (New) The system of claim 9, wherein the processor is in communication with the plurality of multimedia terminals for handling the call signaling and call control information. (Column 131 Lines 20-50)

With respect to Claim 13, Krishnaswamy disclosed (New) The system of claim 9, wherein; the multipoint controller includes an module for receiving and transmitting information from and to the multipoint processor. (Column 131 Lines 20-50)

With respect to Claim 14, Krishnaswamy disclosed (New) The system of claim 13, wherein the multipoint controller includes a management module for managing information between the H.245 module and at least one of an H.323 stack, an SIP stack, an SS7 module, or a conference management module.(Column 132 Lines 15-40)

With respect to Claim 15, Krishnaswamy disclosed (New) The system of claim 9, wherein the multipoint processor includes an H.245 module for receiving and transmitting information from and to the multipoint controller. (Column 131 Lines 20-40, Column 135 Lines 1-40)

With respect to Claim 16, Krishnaswamy disclosed (New) The system of claim 9, wherein the multipoint processor includes a management module for managing information between the H.245 module and at least one of a switch packet network interface, a switched circuit network interface, an active context, or a bank of available terminations. (Column 132 Lines 15-40)

With respect to Claim 17, Krishnaswamy disclosed (New) A method of controlling multimedia multipoint communication between a plurality of multimedia terminals supporting different multimedia conferencing protocols, at least one of the terminals being a non-H.323 terminal not supporting H.323 protocol, the communication including call signaling, call control, and media information, (Figure 19c thru 19G, Column 1 Lines 1-40, Column 9 Lines 40-50) the method comprising: handling the call signaling and call control information for the terminals with a multipoint controller; handling the media information for the terminals with a multipoint processor; (Column 131 Lines 20-50) communicating information between the processor and the controller over an ITU protocol; and interfacing the call signaling and call control information between the controller and the non-H.323 terminal with the processor to establish and control multipoint mixing of media. (Column 132 Lines 1-40)

With respect to Claim 18, Krishnaswamy (New) The method of claim 17, wherein interfacing the call signaling and call control information between the controller and the non-H.323 terminal with the processor comprises: receiving input from the non-H.323 terminal; demultiplexing the input into call signaling, call control, and media information; and transferring the call signaling and call control information to the multipoint controller over an ITU protocol. (Column 131 Lines 20-40)

With respect to Claim 19, Krishnaswamy (New) The method of claim 17, wherein interfacing the signaling and call control information between the controller and the non-H.323 terminal with the processor comprises: receiving call signaling and call control information from the multipoint controller directed to the non-H.323 terminal; multiplexing the received information; and transferring the multiplexed information to the non-H.323 terminal. (Column 135 Lines 1-40)

However Krishnaswamy does not disclose any teachings regarding using the H.248 / Megaco protocol in the system as the communications protocol between the multipoint control unit and the multipoint processor unit, as applied in multimedia systems.

Shaffer disclosed a fault-tolerant H.323 multimedia system having an MCU in communication with multimedia terminals, with said terminals having MCU capabilities,

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such that the terminals are able to perform call signaling and control functions.

(Column 3 Lines 20-50) Shaffer's disclosures are equally applicable to any network in which separate media and signaling channels are used, such as MGCP (Media Gateway Control Protocol), SIP+ (Inter MGS Protocol), SGCP, MEGACO and generally, any voice or multimedia over IP scheme. Further, it is noted that, while described specifically in the context of voice packets, the Shaffer's disclosure encompasses the use of any multimedia information, such as video, data, voice, or any combinations thereof.

Krishnaswamy and Shaffer are analogous art because they present solutions for multimedia systems using Media Control Units (MCU) to enable the communications between terminals supporting different multimedia protocols. It is respectfully suggested that at the time of the invention it would have been obvious to a person of ordinary skill in the art to apply the teachings of Shaffer to enable the system described by Krishnaswamy to use the H.248/Megaco protocol, such that the MCU can use the H.248/Megaco protocol to communicate with its associated processor unit for interfacing the call signaling and call control functions between the said multipoint control unit and the multimedia terminals. The suggested motivation for doing so would be to enable the system described by Krishnaswamy to allow for multimedia multipoint communication over circuit-switched PSTN and VOIP networks. Furthermore, the H.248/Megaco protocol is compliant with Signaling System R2, which is an

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international signaling system within international regions, for international/domestic signaling.

Therefore, it would have been obvious to combine the teachings of Shaffer with Krishnaswamy for the benefit of having an internationally accepted and protocol compliant multimedia communications system with its MCU and processor unit using the H.248/Megaco protocol to obtain the invention as specified in Claims 1-19.

Response to Arguments

Applicant's arguments filed January 17, 2005 have been fully considered but they are not persuasive. The reasons for non-persuasiveness are set forth below.

The Examiner acknowledges the amendments to the Drawings and Specifications. The Examiner's objection to the Drawings and Specifications are withdrawn.

The Examiner acknowledges the amendments to Claim 2 with respect to lack of antecedence in the claim language. The rejection of Claim 2 under 35 USC 112 2nd Paragraph is withdrawn.

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The Applicant suggests that there is no motivation to combine the teachings of Krishnaswamy with Schaffer because their teachings are incompatible and would not give an expectation of success. The Applicant describes the system disclosed in Krishnaswamy as heterogeneous, having an MCU and terminals supporting H.323, H.320, and H.324 standards. The Applicant describes the system disclosed in Schaffer as homogeneous, having an MCU communicating with supporting all the same media protocol as the MCU, whether H.323 or Megaco.

The Examiner respectfully disagrees with the Applicant's suggestion that the teachings are incompatible and that the combination of Krishnaswamy with Schaffer would not give an expectation of success. Krishnaswamy presents a multimedia communications architecture defining internetworking with other systems utilizing ITU recommendations. (Column 135 Lines 20-25) A person of ordinary skill in the art would recognize that H.248/Megaco is an ITU recommendation, and thus would be motivated to make the system in Krishnaswamy work to accommodate the H.248/Megaco standard protocol. Schaffer describes a system that uses an MCU using the H.248/Megaco protocol. (Column 3 Lines 1-15) The Applicant's suggestion implies that by incorporating the MCU by Schaffer into Krishnaswamy, the other features of Krishnaswamy will be rendered inoperable, such that Krishnaswamy will no longer be able to handle non-H.323 terminals and other ITU recommendations. The Examiner respectfully disagrees, as it would be obvious to incorporate new feature(s) while retaining backward compatibility with existing features, and that backward compatibility issues are often taken into consideration in all ITU recommendations.

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The Applicant suggests that the combination of Krishnaswamy and Schaffer does not disclose all the features of Claim 1, because the combination of Krishnaswamy and Schaffer would not produce a multipoint processor unit in communications with a control unit over H.248/Megaco. The Examiner respectfully disagrees with the Applicant's suggestion. As stated in the prior Office Action, an MCU is comprised of the multipoint controller and multipoint processor (Krishnaswamy Column 131 Lines 20-50) Schaffer states that the disclosed network is equally applicable to networks using Megaco (Schaffer Column 3 Lines 1-15). The Examiner concludes that there is an element of certainty and not just a possibility of an MCU working with H.248/Megaco.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Bengzon whose telephone number is (571) 272-3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on (571)272-3925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GCB



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